THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 25364 OF 2006

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

DATE: 11-12-2006

Between:

1. The Director General of Police,
Andhra Pradesh, Hyderabad
And 2 others .... Petitioners
And

1. Sri S.Venu Gopal Reddy… .... Respondent

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Heard the learned Government Pleader for Services I and Sri M.Vijaya Kumar, learned counsel for the respondent – applicant and at their request the writ petition itself is disposed of at the stage of admission.

Aggrieved by the order of the A.P. Administrative Tribunal, Hyderabad in O.A.10828 of 2002 dated 4.10.2005, wherein the Tribunal took upon itself the task of re-appreciating the evidence on record in coming to the conclusion that there was no evidence against the respondent – applicant and had set aside the order of punishment of stoppage of two increment with cumulative effect and treating the period of suspension as not on duty, the present writ petition is filed.

While several contentions have been urged by the learned Government Pleader, he would fairly concede that the order of the disciplinary authority is bereft of reasons. Learned Government Pleader would submit that even if the Tribunal was justified in holding that the order of the disciplinary authority is bereft of reasons, the Tribunal should not have taken upon itself the task of

re-appreciating the evidence on record and should have, while quashing the order of punishment, left it open to the disciplinary authority to pass an order afresh assigning reasons.

Sri M.Vijaya Kumar, learned counsel for the respondent – applicant, on the other hand, would submit that the Tribunal is entitled to examine the question as to whether the punishment imposed is on the basis of the evidence on record or whether the findings are based on no evidence or are perverse. Learned counsel would submit that a mere perusal of the evidence adduced in the enquiry would establish that there is no evidence whatsoever on record to substantiate the allegations against the respondent – applicant. Learned counsel would submit that, since in the case on hand there was no evidence on record, the Tribunal was justified in recording its findings that the order of punishment was vitiated on the ground of no evidence.

While the submission of Sri M.Vijaya Kumar, learned counsel for the respondent – applicant, cannot be said to be without merit, once the Tribunal comes to the conclusion that the order of the disciplinary authority is bereft of reasons, it was wholly unnecessary for the Tribunal to take upon itself the task of examining the enquiry proceedings to determine as to whether there was no evidence to substantiate the allegations levelled against the respondent – applicant. On the mere ground that the order of punishment is bereft of reasons, the order was liable to be set aside leaving it open to the disciplinary authority to pass a reasoned order afresh. While we are in agreement with the conclusions of the Tribunal that the order of the disciplinary authority is bereft of reasons, we set aside the other portion of the order.

We deem it appropriate, while quashing the order of punishment, to leave it open to the disciplinary authority to consider the matter afresh and pass orders in accordance with law after assigning reasons in this regard. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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B.PRAKASH RAO,J

Date: 11-12-2006

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RAMESH RANGANATHAN,J